

SCHEDULE

Additional details with regard to certain Applications

Applications made under the 1983 Act

Applications relating to failure to give a written statement

50.—(1) This paragraph applies to an application under section 1(6) of the 1983 Act (right to have a written statement).

(2) The specified documents are any documents given by the site owner to the occupier that the site owner is required to give under section 1(2) of the 1983 Act.

(3) The specified respondent is the site owner.

Applications relating to additional implied terms or variation or deletion of implied terms

51.—(1) This paragraph applies to an application under section 2(2) of the 1983 Act (terms mentioned in Part 2 of Schedule 1 to the 1983 Act to be implied).

(2) The specified document is a statement specifying the reasons for the applicant applying to have any of the matters mentioned in Part 2 of Schedule 1 to the 1983 Act implied in the agreement between the site owner and the occupier.

(3) The specified respondent is—

- (a) where the applicant is the site owner, the occupier; and
- (b) where the applicant is the occupier, the site owner.

52.—(1) This paragraph applies to an application under section 2(3)(a) of the 1983 Act (varying or deleting any express term of the agreement)—

(2) The specified documents are—

- (a) a copy of the agreement; and
- (b) a statement specifying—
 - (i) which express term of the agreement the applicant is asking the tribunal to vary or delete or, in the case of any express term to which section 1(6) of the 1983 Act applies, which term the applicant wants to be given full effect; and
 - (ii) the reasons for the applicant applying to vary or delete any express term of the agreement, or in the case of any express term to which section 1(6) of the 1983 Act applies, the reasons for wanting that term to be given full effect.

(3) The specified respondent is—

- (a) where the applicant is the site owner, the occupier; and
- (b) where the applicant is the occupier, the site owner.

Applications relating to any question under the 1983 Act

53.—(1) This paragraph applies to an application under section 4 of the 1983 Act (determination of any question arising under the 1983 Act or agreement to which it applies).

(2) The specified documents are—

- (a) a copy of the agreement; and

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) any relevant correspondence that the applicant has given or received in connection with the question to be determined.
- (3) The specified respondent is—
 - (a) where the applicant is the site owner, the occupier; and
 - (b) where the applicant is the occupier, the site owner.

Applications relating to detrimental effect of mobile homes on the amenity of the site

54.—(1) This paragraph applies to an application under paragraph 5A(2)(a) of Chapter 2, of Part 1 of Schedule 1 to the 1983 Act (determination by tribunal of detrimental effect of mobile home).

- (2) The specified documents are—
 - (a) any documents served on the occupier by the site owner giving the occupier notice of the site owner’s intention to make an application under paragraph 5A(2) of Chapter 2 of Part 1 of that Schedule;
 - (b) any report that may have been prepared which describes the condition of the mobile home; and
 - (c) any other relevant documents supporting the application.
- (3) The specified respondent is the occupier.

Applications relating to termination by the site owner

55.—(1) This paragraph applies to an application under paragraph 4, 5 or 5A(2)(b) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act (termination by site owner).

- (2) The specified documents are—
 - (a) a copy of the agreement;
 - (b) any documents served on the occupier by the site owner giving the occupier notice of the site owner’s intention to make an application under paragraph 4, 5 or 5A(2) of Chapter 2 of Part 1 of that Schedule;
 - (c) in the case of an application under paragraph 4 of Chapter 2 of Part 1 of that Schedule where the alleged breach is failure to pay the pitch fee, a statement of pitch fees due and received during the period in question;
 - (d) any other relevant documents supporting the application; and
 - (e) in the case of an application under paragraph 5A(2) of Chapter 2 of Part 1 of that Schedule, a copy of the tribunal determination under that paragraph.
- (3) The specified respondent is the occupier.

Applications relating to approval of person on sale or gift of mobile homes

56.—(1) This paragraph applies to an application under paragraph 8(1E) (sale of mobile home) or 9(2) (gift of mobile home) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act.

- (2) The specified documents are—
 - (a) a copy of any documents served on the site owner by the occupier under paragraph 8(1A) of Chapter 2 of Part 1 of that Schedule;
 - (b) any relevant correspondence that the occupier has received from the site owner in which the site owner does not give approval to the sale or gift; and

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) in the case of an urgent application under paragraph 8 or 9 of Chapter 2 of Part 1 of that Schedule, any documents containing the evidence accompanying the application under paragraph (2) of regulation 11 (urgent applications under the 1983 Act relating to sale or gift of a mobile home).
- (3) The specified respondent is the site owner.

Applications relating to re-siting of mobile homes

57.—(1) This paragraph applies to an application under paragraph 10(1) of Chapter 2, of Part 1 of Schedule 1 to the 1983 Act (re-siting of mobile home).

- (2) The specified documents are—
 - (a) any document that specifies the reason for requiring that the occupier’s right to station the mobile home be exercisable for any period in relation to another pitch and providing the description, amenity and size of both the existing pitch and the proposed alternative pitch;
 - (b) a copy of the agreement relating to the existing pitch and a draft of the proposed agreement relating to the alternative pitch; and
 - (c) the notification (if any) served by the site owner on the occupier specifying the site owner’s intention to apply to the tribunal under paragraph 10(1) of Chapter 2, of Part 1 of that Schedule and any accompanying documents not already supplied to the tribunal relevant to the application.
- (3) The specified respondent is the occupier.

Applications relating to the return of re-sited mobile homes

58.—(1) This paragraph applies to an application under paragraph 10(2) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act (re-siting of mobile home).

- (2) The specified documents are—
 - (a) any request by the occupier to the site owner to return the mobile home to the original pitch and any response received to that request;
 - (b) a copy of the agreement relating to the existing pitch and the agreement relating to the alternative pitch; and
 - (c) the notification (if any) served by the occupier on the site owner specifying the occupier’s intention to apply to the tribunal under paragraph 10(2) of Chapter 2 of Part 1 of that Schedule.
- (3) The specified respondent is the site owner.

Applications relating to the pitch fee

59.—(1) This paragraph applies to an application under paragraphs 16(b), 17(4) and 17(8) of Chapter 2, of Part 1 of Schedule 1 to the 1983 Act (the pitch fee).

(2) The specified document is the notice served on the occupier by the site owner under paragraph 17(2) of Chapter 2 of Part 1 of that Schedule (whether served by the time required under that paragraph or not).

- (3) The specified respondent is—
 - (a) where the applicant is the site owner, the occupier; and
 - (b) where the applicant is the occupier, the site owner.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Applications relating to improvements to be taken into account in the pitch fee

60.—(1) This paragraph applies to an application under paragraph 18(1)(a)(iii) of Chapter 2 of Part 1 of Schedule 1 to the 1983 Act (the pitch fee).

- (2) The specified documents are—
 - (a) a statement of the proposed improvement works;
 - (b) an estimate of the costs;
 - (c) a statement of when the works will begin and their duration; and
 - (d) details of the consultation undertaken with the occupiers under paragraph 22(e) and (f) of Chapter 2 of Part 1 of that Schedule and copies of their responses.
- (3) The specified respondent is the occupier.

Applications relating to qualifying residents' associations

61.—(1) This paragraph applies to an application under paragraph 28(1)(h) of Chapter 2, of Part 1 of Schedule 1 to the 1983 Act (qualifying residents' association).

- (2) The specified documents are—
 - (a) any request made by the chairman, secretary or treasurer of the residents' association to the site owner that the site owner recognise the association as a qualifying residents' association;
 - (b) any response by the site owner to the request referred to in paragraph (a);
 - (c) a copy of the constitution of the association; and
 - (d) evidence of the number of occupiers of mobile homes on the site who own the mobile home they are occupying and who are members of the residents' association.
- (3) The specified respondent is the site owner.